



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

April 13, 2009

Mike Burrows
Inland Valley Development Agency
294 South Leland Norton Way
Suite 1
San Bernardino, CA 92405

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION
FOR MOUNTAIN VIEW AVENUE WIDENING AND MOUNTAIN VIEW AVENUE BRIDGE,
CITIES OF SAN BERNARDINO AND REDLANDS, SAN BERNARDINO COUNTY (ACOE
REFERENCE NO. NOT AVAILABLE)**

Dear Mr. Burrows:

On February 13, 2009, we received two applications for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by Tom Dodson & Associates, for the widening of Mountain View Avenue and the construction of the new Mountain View Avenue Bridge over the Santa Ana River in the Cities of San Bernardino and Redlands. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments ("Basin Plan"):

Project Description: Widening of a section of Mountain View Avenue from the north side of Interstate 10 to the Santa Ana River. A new bridge will be constructed across the Santa Ana River, connecting to a new section of Mountain View Avenue constructed on the opposite side of the river, as part of the Southgate Development project¹. A 78-inch diameter water pipeline will be installed across the Santa Ana River beneath the river bed as part of the construction of the Mountain View Avenue Bridge. The pipeline will be operated by the San Bernardino Valley Municipal Water District. Widening of Mountain View Avenue will involve the demolition of an existing roadway bridge at Mission Creek Channel and replacing it with a longer culvert to accommodate the wider road. The project is located within Township 1 South, Ranges 3 and 4 West, of the U.S. Geological Survey *Redlands, California*, 7.5-minute

¹ The Southgate Development project was issued Certification on May 14, 2007.

California Environmental Protection Agency



topographic quadrangle map (34 deg. 05 min. 02.6 sec. N/ -117 deg. 14 min. 37.5 sec. W).

Receiving water: Mission Creek Channel and the Santa Ana River.

Fill area: See Table 1 below.

Table 1: Areas of Fill

	Fill Areas (acres)	
	Temporary	Permanent
Santa Ana River	6.42	0.39
Mission Creek Channel	1.05	0.22

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit Nos. 7, 12, 13, 14, and 33.

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:
Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from the affected section of Mountain View Avenue and the proposed bridge will be treated using hydrodynamic separators prior to discharge into an existing storm drain line that discharges to the Santa Ana River. The hydrodynamic separators will be operated and maintained by the City of San Bernardino.
- Additional site-specific best management practices ("BMPs") will be specified in the site's Storm Water Pollution Prevention Plan ("SWPPP") and Water Quality Management Plan ("WQMP").

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Santa Ana Watershed Association towards the eradication of 1.0 acre of invasive plant species.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order



No. R8-2002-0012, commonly known as the San Bernardino County Municipal Storm Water Permit. Order No. R8-2002-0012 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, including the preparation of a SWPPP.

Construction de-watering discharges may be regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at:

http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_003_deminimus_permit_wdr.pdf

You have applied for Nationwide Permits from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act ("CEQA"), the Inland Valley Development Agency ("IVDA") adopted a Mitigated Negative Declaration for the Mountain Avenue extension and widening project on December 7, 2008. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered the IVDA's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all storm water treatment facilities as proposed. All structural storm water treatment facilities must be constructed and operational prior to the open public use of the roadway and bridge.
2. Earthmoving work within the Santa Ana River must not cause or contribute to the physical degradation of the riverbed. An effective monitoring program must be implemented to assure compliance with this condition.
3. An in-lieu fee must be paid to the Santa Ana Watershed Association towards the eradication of 1.0 acre of invasive species within and adjacent to waters of the State in the Upper Santa Ana Watershed. The fee payment must include funding for a minimum of 6-years of follow-on maintenance and the completion of biological condition assessments, using published and generally accepted methods (e.g., California Rapid Assessment Method) for the purpose of evaluating the marginal improvement to the eradication project area. Evidence of the fee payment must be provided to the Executive Officer by June 30, 2009.
4. Regional Board staff and other authorized representatives shall be allowed:



- a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
5. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or WQMP.
 6. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.
 7. The applicant must comply with the conditions and provisions of the Corps' Clean Water Act Section 404 permit(s).

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies,



penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at:
www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jim Mace
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game – Michael Flores
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

APF:401/certifications/mountain avenue bridge/channel 362009-02 and 362009-03

